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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/178,329	10/23/1998	MICHAEL R. NOWAK	E4919-00003	4360
8933	7590	05/23/2007		
DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			EXAMINER JACKSON, MONIQUE R	
			ART UNIT 1773	PAPER NUMBER
			MAIL DATE 05/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/178,329

Applicant(s)

NOWAK ET AL.

Examiner

Monique R. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 3/13/07 has been entered. Claims 1, 5, 6, 9-12 and 24 have been canceled. New claims 25-42 have been added. Claims 25-42 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 25-28, 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Peer, Jr. (USPN 4,254,173.) Peer teaches a composite material comprising a paper material 12 laminated to a plastic film 14 via an adhesive layer 22 wherein the plastic film 14 is preferably transparent to permit reverse printing the inner surface to provide abrasion resistant decoration 20 visible through the film 14 (Abstract; Col. 2, lines 41-52; Col. 3; Figure 2.) Peer teaches that the plastic film may be PET, polyvinyl chloride, polypropylene, cellophane and preferably polyethylene (Abstract;) and may be metallized to produce a foil effect (Abstract; Col. 3, lines 32-59; Col. 7, lines 35-45; Col. 8, lines 2-5.) Peer teaches that the paper is preferably natural kraft paper or recycled paper (Abstract; Col. 5, lines 10-38) and that the adhesive may be applied to either the film or the paper and is preferably molten polyethylene resin (*reads upon hot-melt adhesive*) when the film is polyethylene (Col. 4, lines 4-6.) Peer further teaches that pigments or other additives may be added to the adhesive (Col. 4, lines 6-9.)
4. Claims 34, 39 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott (USPN 2,154,474.) Scott teaches a laminate comprising a polymer film laminated to a paper substrate via a coating layer that becomes adhesive upon heating, such as a vinyl acetate or other thermo-adhesive type resin, wherein the polymer film supplies a transparent or decorative

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coating on one or both sides of the paper which enhances the decoration or printing upon the paper and provides water-proofing and moisture-proofing of printed or otherwise decorated paper (Abstract; Page 1, Col. 1; Page 1, Col. 2, lines 1-7; Page 2, Col. 1, lines 16-22; Page 2, Col. 2, line 69-Page 3, Col. 1, line 2.)

5. Claims 25-28, 30-37 and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Akao (USPN 4,579,781.) Akao teaches a light-shielding composite packaging laminate comprising a substrate, a polyethylene polymer layer on one side of the substrate that is substantially free from light shielding material, and a protective layer on the side opposite to the polyethylene polymer layer, wherein the composite as a whole contains a light shielding material such as organic or inorganic pigments (Abstract; Col. 3, lines 40-60.) Akao teaches that a metal layer such as aluminum foil and deposited aluminum layer may be disposed in the laminate to provide complete light-shielding properties and that light-shielding material can be contained in the substrate layer or an adhesive layer, if desired (Col. 3, lines 61-63 and Col. 4, lines 1-10.) Akao teaches that the substrate may be an uncolored or colored layer or laminate thereof, and is preferably paper, such as half-bleached or unbleached Kraft paper, usual papers, recovered paper, metal-deposited papers, and more preferably a white paper, and may include printing thereon to enhance the commercial image of the article (Col. 4, lines 34-68; Col. 11, lines 19-26.) Akao also teaches that the polyethylene layer may be a separately formed film laminated to the substrate using an adhesive including wet laminating, dry laminating, hotmelt laminating and extrusion laminating adhesives such as polyethylene, EVA, polypropylene, and hot melt type adhesives (Col. 4, lines 26-34; Col. 11, lines 21-27.) Akao teaches that the protective layer may be polymethyl methacrylate, polyethylene, or polypropylene (Col. 6, lines 37-39.) Akao further

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teaches specific laminate structures that read upon the claimed composite wrap including a substrate (1), preferably paper; a polyethylene layer (2); adhesive layers (3) or (3a) which may also be print or ink layer; an intermediate print layer on the substrate (4); a protective layer (5) such as a PMMA, PE, or PP layer; and a metallized or aluminum deposited layer 6a (Figures 1-8; Col. 5, line 14-Col. 6, line 39.) With respect to printing the paper before lamination, the Examiner refers to print layer 4 on the substrate, and with respect to a print layer on the polymer before lamination, the Examiner refers to 3a which may also be a print (ink) layer, see for example Figures 3 and 4.

6. Claims 25-28, 30, 32-37, 39, and 41-42 are rejected under 35 U.S.C. 102(a) or (e) as being anticipated by Olvey (USPN 5,772,819.) Olvey teaches a composite comprising a paper substrate and a bioriented plastic film, preferably polyester, laminated to the paper substrate via a layer of extruded molten polymer, preferably polyethylene, wherein the plastic film is preferably reverse printed on its inner face prior to lamination and the paper substrate is preferably plain kraft paper or paperboard as machine finished paper does not work as well (Abstract; Figures 1-2; Col. 2, lines 24-53; Col. 9, lines 1-9.) Olvey also teaches that “the invention also provides improvements where the printing is done on the surface of the paper web itself, since the printed paper surface is protected against scuffing of the print” (Col. 2, lines 46-50; Col. 11, lines 18-43.) Olvey further teaches that a metallized film layer may also be provided between the reverse printed film and the paper substrate (Col. 9, lines 14-19.)

Claim Rejections - 35 USC § 103

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peer, Jr. The teachings of Peer are discussed above. Though Peer teaches that pigments and other additives

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may be added to the adhesive layer, Peer does not specifically teach that the additives include wax such that the adhesive is a wax/polymer blend. However, wax/polymer blends are an obvious species of laminating or hot-melt adhesives utilized in the paper laminating/coating art and would have been obvious to one having ordinary skill in the art wherein the incorporation of the wax into the polymer adhesive provides improved coating properties to the paper composite and reduces the temperature at which lamination can be performed.

8. Claims 29 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akao. The teachings of Akao are discussed above. Though Akao teach that the polyethylene layer can further include lubricants and that common hot-melt adhesive, polyethylene or other laminating adhesives may be utilized in producing the composite laminate, Akao does not specifically teach that the laminating adhesive includes a lubricant/wax as instantly claimed. However, wax/polymer blends are an obvious species of laminating or hot-melt adhesives utilized in the paper laminating/coating art and would have been obvious to one having ordinary skill in the art wherein the incorporation of the wax into the polymer adhesive provides improved coating properties to the paper composite and reduces the temperature at which lamination can be performed.

9. Claims 29, 31, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olvey. The teachings of Olvey are discussed above. Though Olvey teach that the adhesive is preferably a molten polyethylene of low density, Olvey does not teach that the laminating adhesive is a wax/polymer blend. However, wax/polymer blends are an obvious species of laminating or hot-melt adhesives utilized in the paper laminating/coating art and would have been obvious to one having ordinary skill in the art wherein the incorporation of the wax into the

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polymer adhesive provides improved coating properties to the paper composite and reduces the temperature at which lamination can be performed. With respect to Claims 31 and 40, though Olvey does not teach that one or more layers of the laminate are pigmented, one having ordinary skill in the art at the time of the invention would have been motivated to include pigments or coloring agents, as is conventional and obvious in the art, in any of the layers taught by Olvey based on the desired aesthetic properties of the final end product.

Response to Arguments

10. Applicant's arguments with respect to claims 25-42 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

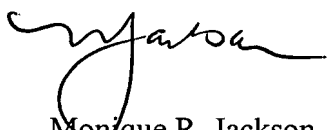
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Primary Examiner
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May 21, 2007